

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

 FEPA
 EEOC

532-2019-00140

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

Mr. Christopher Capron on behalf of myself and all others similarly situated

Home Phone (Incl. Area Code)

(216) 671-3442

Date of Birth

10/12/1966

Street Address

City, State and ZIP Code

16005 Alden Ave.**Cleveland Ohio, Ohio 44111**

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

City of Cleveland (Division of Fire)

No. Employees, Members

Phone No. (Include Area Code)

100+

Street Address

City, State and ZIP Code

601 Lakeside Ave.**Cleveland, OH 44114**

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

RACE COLOR SEX RELIGION NATIONAL ORIGIN
 RETALIATION AGE DISABILITY GENETIC INFORMATION
 OTHER (Specify)

DATE(S) DISCRIMINATION TOOK PLACE
Earliest Latest

Feb. 2, 2018

 CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s).)

I am a Caucasian male, and have been employed by Respondent's Division of Fire since 1995. Currently I hold the rank of Fire Lieutenant. In 2017, Respondent administered, and I sat for, a promotional examination for the rank of Captain in the Fire Department. On February 2, 2018, Respondent released a ranked list of all 52 candidates who had passed the Captain's exam. Respondent will utilize this list to make promotions to the Captain rank for a 2-year period (until February 2, 2020). The list evidences that the promotional exam resulted in a discriminatory disparate impact against Caucasian individuals, including myself, who seek promotion.

CONTINUED ON NEXT PAGE

RECEIVED
OCT 17 2018
EEOC-CLFO

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY - When necessary for State and Local Agency Requirements

I declare under penalty of perjury that the above is true and correct.

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

10-18-18



Date

Charging Party Signature

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

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CONTINUED FROM PREVIOUS PAGE (PAGE 2 OF 2)

73 individuals took all parts of the Captain's exam. The following table shows how many individuals, by race, took the entire exam, passed the exam, and how the passage rates for Caucasians violated the four-fifths rule:

RACE	TOOK ENTIRE EXAM	%	PASSED EXAM	%	PASS RATE	FOUR-FIFTHS RULE TEST (Pass rate of Caucasians compared to African-Americans)
Caucasian	53	72.60%	36	49.32%	67.92%	73.15% (FAIL)
African-American	14	19.18%	13	17.81%	92.86%	
Hispanic	6	8.22%	3	4.11%	50.00%	
TOTAL	73		52			

Because Caucasians passed the exam at a rate of less than 80% when compared to the pass rate of African-Americans, the Captain's exam had a disparate impact on me and other Caucasians based on our race.

Two rounds of promotions have occurred off of the list to date. Respondent promoted six (6) individuals to Captain on or about May 4, 2018, and then promoted another eight (8) individuals on or about July 28, 2018. The selections to date also demonstrate an adverse impact against Caucasians:

RACE	PROMOTIONS	SELECTION RATE	FOUR-FIFTHS RULE TEST
Caucasian	8	15.09%	35.22% (FAIL)
African-American	6	42.86%	
Hispanic	0	0.00%	
TOTAL	14		

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Respondent has expressed a desire to increase minority representation in the officer rankings within the Division of Fire. I believe that Respondent unlawfully administered the promotional examination in a manner that would achieve its desired result of having a list of disproportionately high-ranked African-American candidates to select for promotion over the two-year duration that the promotional list will be viable.

I believe that I, along with others who are similarly situated, have been discriminated against in violation of Title VII of the Civil Rights Act of 1964, as amended. This discrimination is a result of disparate impact and/or intentional discrimination in the administration of the Captain's promotional exam.

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Date

Charging Party Signature

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

U.S. Equal Employment Opportunity Commission

Mr. William Mezalora
 Chief of Public Safety
 CITY OF CLEVELAND (DIVISION OF FIRE)
 601 Lakeside Ave
 Cleveland, OH 44114

PERSON FILING CHARGE

Christopher Capron

THIS PERSON (check one or both)

 Claims To Be Aggrieved Is Filing on Behalf of Other(s)

EEOC CHARGE NO.

532-2019-00140

NOTICE OF CHARGE OF DISCRIMINATION

(See the enclosed for additional information)

This is notice that a charge of employment discrimination has been filed against your organization under:

Title VII of the Civil Rights Act (Title VII) The Equal Pay Act (EPA) The Americans with Disabilities Act (ADA)

The Age Discrimination in Employment Act (ADEA) The Genetic Information Nondiscrimination Act (GINA)

The boxes checked below apply to our handling of this charge:

- No action is required by you at this time.
- Please call the EEOC Representative listed below concerning the further handling of this charge.
- Please provide by a statement of your position on the issues covered by this charge, with copies of any supporting documentation to the EEOC Representative listed below. Your response will be placed in the file and considered as we investigate the charge. A prompt response to this request will make it easier to conclude our investigation.
- Please respond fully by to the enclosed request for information and send your response to the EEOC Representative listed below. Your response will be placed in the file and considered as we investigate the charge. A prompt response to this request will make it easier to conclude our investigation.
- EEOC has a Mediation program that gives parties an opportunity to resolve the issues of a charge without extensive investigation or expenditure of resources. If you would like to participate, please say so on the enclosed form and respond by to
 If you DO NOT wish to try Mediation, you must respond to any request(s) made above by the date(s) specified there.

For further inquiry on this matter, please use the charge number shown above. Your position statement, your response to our request for information, or any inquiry you may have should be directed to:

Leona J. Smith,
 Intake Supervisor

EEOC Representative

Telephone (216) 522-2002

Cleveland Field Office
 EEOC, AJC Fed Bldg
 1240 E 9th St, Ste 3001
 Cleveland, OH 44199
 Fax: (216) 522-7395

Enclosure(s): Copy of Charge

CIRCUMSTANCES OF ALLEGED DISCRIMINATION

Race Color Sex Religion National Origin Age Disability Retaliation Genetic Information Other

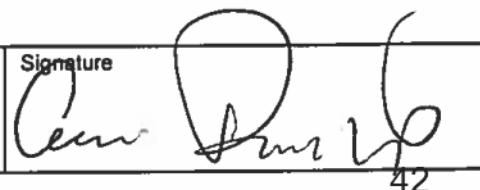
ISSUES: Promotion

DATE(S) (on or about): EARLIEST: 02-02-2018 LATEST: 07-28-2018 And Continuing

Date
 October 18, 2018

Name / Title of Authorized Official
 Connie Davis,
 Enforcement Supervisor

Signature



42

2495

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION		Charge Presented To: Agency(ies) Charge No(s):
<p>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</p>		<input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC 532-2019-00137
and EEOC		
Name (indicate Mr., Ms., Mrs.) Mr. John J. Donohoe on behalf of myself and all others similarly situated		State or local Agency, if any Mayfield Village, Ohio 44143 Home Phone (Incl. Area Code) (216) 630-9142 Date of Birth 5/29/1966
Street Address 874 Beechers Brook Rd.		City, State and ZIP Code Mayfield Village, Ohio 44143
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)		
Name City of Cleveland (Division of Fire)		No. Employees, Members 100+ Phone No. (Include Area Code)
Street Address 601 Lakeside Ave.		City, State and ZIP Code Cleveland, OH 44114
Name		No. Employees, Members Phone No. (Include Area Code)
Street Address City, State and ZIP Code		
DISCRIMINATION BASED ON (Check appropriate box(es).)		DATE(S) DISCRIMINATION TOOK PLACE Earliest Feb. 2, 2018 Latest
<input checked="" type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify)		<input checked="" type="checkbox"/> CONTINUING ACTION
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):		
<p>I am a Caucasian male, and have been employed by Respondent's Division of Fire since 1994. Currently I hold the rank of Fire Lieutenant. In 2017, Respondent administered, and I sat for, a promotional examination for the rank of Captain in the Fire Department. On February 2, 2018, Respondent released a ranked list of all 52 candidates who had passed the Captain's exam. Respondent will utilize this list to make promotions to the Captain rank for a 2-year period (until February 2, 2020). The list evidences that the promotional exam resulted in a discriminatory disparate impact against Caucasian individuals, including myself, who seek promotion.</p>		
RECEIVED OCT 17 2018 EEOC-CLFO		
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY – When necessary for State and Local Agency Requirements
I declare under penalty of perjury that the above is true and correct. <u>10-16-18</u> <u>John J. Donohoe</u> Date Charging Party Signature		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)

CHARGE OF DISCRIMINATION			Charge Presented To: <input type="checkbox"/> FEPA Agency(ies) Charge No(s): <input checked="" type="checkbox"/> EEOC <i>532-2019-00137</i> and EEOC			
This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.			<i>State or local Agency, if any</i> THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):			
CONTINUED FROM PREVIOUS PAGE (PAGE 2 OF 2)						
73 individuals took all parts of the Captain's exam. The following table shows how many individuals, by race, took the entire exam, passed the exam, and how the passage rates for Caucasians violated the four-fifths rule:						
RACE	TOOK ENTIRE EXAM	%	PASSED EXAM	%	PASS RATE	FOUR-FIFTHS RULE TEST (Pass rate of Caucasians compared to African-Americans)
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Hispanic	6	8.22%	3	4.11%	50.00%	
TOTAL	73		52			
Because Caucasians passed the exam at a rate of less than 80% when compared to the pass rate of African-Americans, the Captain's exam had a disparate impact on me and other Caucasians based on our race.						
Two rounds of promotions have occurred off of the list to date. Respondent promoted six (6) individuals to Captain on or about May 4, 2018, and then promoted another eight (8) individuals on or about July 28, 2018. The selections to date also demonstrate an adverse impact against Caucasians:						
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Respondent has expressed a desire to increase minority representation in the officer rankings within the Division of Fire. I believe that Respondent unlawfully administered the promotional examination in a manner that would achieve its desired result of having a list of disproportionately high-ranked African-American candidates to select for promotion over the two-year duration that the promotional list will be viable.						
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<i>10-16-18</i>			<i>July 2018</i> SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE <i>(month, day, year)</i>			
<i>Date</i>	<i>Charging Party Signature</i>		<i>038</i>			

EEOC Form 5 (11/09)

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and EEOC																	
State or local Agency, if any																	
Name (indicate Mr., Ms., Mrs.) Mr. Robert Schoeniger on behalf of myself and all others similarly situated		Home Phone (Incl. Area Code) (216) 233-0962															
Street Address 4158 W. 59		City, State and ZIP Code Cleveland Ohio, Ohio 44144															
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